

REMARKS

Claims 9 and 15, 17-20 are presently pending. Claim 16 has been canceled herein without prejudice. Claims 9, 15 and 17 have been amended.

With respect to independent claim 9, applicants have deleted the comprising language raised by the Examiner and corrected the definitions of R₂ to accurately reflect the elected species.

With regard to claim 15, applicants have amended it to remove reference to an unselected species.

Applicants have amended claim 17 in accordance with the Examiner's suggestion.

No new matter has been added by these amendments.

35 U.S.C. § 112

Claims 9, 15 and 20 were rejected under 35 U.S.C. 112, as being allegedly indefinite.

The Examiner asserted that claim 9 is indefinite for recitation of the term comprising. Applicants respectfully disagree and assert that the claim is sufficiently definite. However, solely to expedite prosecution, applicants have hereinabove amended claim 9 to replace the rejected term "comprising" with the term "of". Applicants believe that this amendment to claim 9 renders this rejection moot.

The Examiner also asserted that claims 15 and 20 are indefinite because the recited compounds are inconsistent with the definitions in claim 9. Applicants have amended claim 9 to reflect the elected compounds claimed in claims 15 and 20. Specifically, Applicants have amended the definitions of R₂ to recite hydrogen (H). Applicants note that they initially

elected the species in which the metal chelate is gadolinium (III) 1,4,7-tris(carboxymethyl)-10-(2'-hydroxypropyl)-1,4,7,10-tetraazacyclododecane and the excipient is calcium bis[1,4,7-tris(carboxy-methyl)-10-(2'-hydroxypropyl)-1,4,7,10-tetraazacyclododecanato]calcium(II)]. In the May 17, 2006 Office Action, the Examiner stated that in this species R₂ was methyl. See p. 3. However, in the elected species R₂ is H. Applicants did not notice this inaccuracy and the parameters recited by the Examiner were incorporated into claim 9, including the incorrect definitions of R₂. Applicants apologize for any confusion this may have caused. The instant amendment correctly identifies the elected and claimed compounds and thus renders this rejection moot.

For the above reasons, all outstanding rejections have been addressed and applicants respectfully maintain that the presently pending claims are in condition for allowance. Thus, applicants respectfully request the speedy issuance of a notice of allowance.

If a telephone interview would be of assistance in the prosecution of this application, the Examiner is encouraged to telephone Applicants' undersigned attorneys at the Examiner's convenience at the number provided below.

CONCLUSION

No fees are believed due in connection with the filing of this *Amendment and Response*. However, the Director is hereby authorized to charge any required fees and credit any overpayments to Deposit Account No. 50-0540.

Respectfully submitted,

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